Remarks

Claims 1-20 are pending in the above-identified patent application. Claims 1, 8 and 15 are independent. Applicant has amended pending claims 1 and 8, and added claims 15-20. Applicant submits that no new matter has been added to these claims. All support for these claims is found in the specification as filed.

In an Office Action dated September 6, 2006, the Examiner rejected claims 1, 2, 4-9, and 11-14 under 35 U.S.C. § 102 (b) as being unpatentable over U.S. Patent Application Publication No. U.S. 2001/0047459A1 to Prahlad et al. ("Prahlad"). The Examiner further rejected claims 3 and 10 under 35 U.S.C. § 103 (a) as being unpatentable over Prahlad taken in view of U.S. Patent No. 6,021,415 to Cannon ("Cannon").

Applicants respectfully traverse the rejections. However, solely to expedite prosecution, Applicant has amended claims 1 and 8 to more clearly define the claimed subject matter. Claim 1, as amended, recites "wherein the retrieved storage data file is analyzed based on file content and file characteristics, and categorized into one or more of a plurality of distinct categories." Claim 8, as amended, recites "analyzing the retrieved stored data file based on file content and file characteristics, and categorizing into one or more of a plurality of distinct categories."

The Prahlad reference relied upon by the Examiner does not teach the invention as claimed. Prahlad is directed a retrieving email messages based on the message list display indicator, which contains information such as: from, to, date, subject, and attachment; and the history dialog box, which provides information such as: the date the message was first read, forwarded or replied to. Prahlad does not teach the use of file content or file characteristics information to categorize files. To the contrary, the present invention analyzes file content and file characteristics to categorize and identify any modifications, deletions of stored electronic data to evidence user behavior regarding the electronic data. Such behavior will identify missing or deleted files, moved files or modified files. This is accomplished by examining each data source and collecting information related to file content and file characteristics. Meta data is then gathered for each file within the data set, such as :

- Server path (starting location of the data)
- Folder (file path)

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- Name (full file name)
- Create (data/time)
- Modify (date/time)
- Access (date/time)
- Size
- MD5 hash value

This meta data is then used to determine whether substantive modifications or deletions were made to a file.

Prahlad is very different from applicant's claimed feature of analyzing and categorizing based on file content and file characteristics. And Cannon fails to provide for the deficiencies of Prahlad. Cannon is directed to managing a data storage system by aggregating files and reclamation to regain wasted space between managed and deleted files. There is no teaching in Cannon of analyzing file contents or file characteristics to categorize and determine whether modifications were made to the file.

Accordingly the pending claims are not anticipated or rendered obvious by Prahlad or Cannon, whether taken separately or in combination.

Based on the amendments and reasoning provided above, it is respectfully submitted that all claims are in condition for allowance. Reconsideration and an early indication of allowance are respectfully requested. If the Examiner finds reasons not to allow all claims, then a telephone interview with the Attorney signed below is also respectfully requested.

Respectfully submitted,

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